

HOUSE BILL No. 1175

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-40-5.

Synopsis: Victims' rights. Provides that a victim has the right to: (1) be free from intimidation, harassment, and abuse throughout the criminal justice process; (2) a speedy trial or disposition; and (3) a prompt and final conclusion of the case after conviction and sentencing or other disposition. Specifies that a child less than 16 years of age who is the victim of a sex offense has the right to refuse an interview, a deposition, or any other discovery request by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, as long as the refusal does not deny the defendant's due process right to a fundamentally fair trial.

Effective: July 1, 2009.

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January 12, 2009, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1175

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-40-5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. A victim has the
3 right to be:

4 (1) treated with fairness, dignity, and respect; and

5 (2) **free from intimidation, harassment, and abuse;**
6 throughout the criminal justice process.

7 SECTION 2. IC 35-40-5-10 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2009]: Sec. 10. A victim has the right to:

10 (1) a speedy trial or disposition; and

11 (2) a prompt and final conclusion of the case after conviction
12 and sentencing or other disposition.

13 SECTION 3. IC 35-40-5-11 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2009]: Sec. 11. (a) This section applies only to a child less than
16 sixteen (16) years of age who is the victim of a sex offense (as
17 defined in IC 11-8-8-5.2).

2009

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1 (b) A child victim described in subsection (a) has the right to
2 refuse:
3 (1) an interview;
4 (2) a deposition; or
5 (3) any other discovery request;
6 by the defendant, the defendant's attorney, or any other person
7 acting on behalf of the defendant, as long as the refusal does not
8 deny the defendant's due process right to a fundamentally fair
9 trial.

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